

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUKE ROSS,

Defendant.

8:13-CR-254

ORDER

This matter is before the Court on the defendant's Motion to Suppress (filing [53](#)) and the United States Magistrate Judge's Findings and Recommendation and Order (filing [62](#)), incorporating the findings made in court at the hearing on the defendant's motion, *see* filing [64](#) at 49–53, and stating his recommendation that the motion to suppress be denied. The parties were given 14 days from the date of the Magistrate's order to file objections to the Magistrate Judge's recommendation. *See* filing [62](#); *see also* [NECrimR 59.2\(a\)](#). No objection to the Magistrate Judge's recommendation has been filed.


[28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objects to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECrimR 59.2\(e\)](#). The Magistrate Judge's order advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. *See* filing [62](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation.

IT IS ORDERED:

1. The findings and recommendation of the United States Magistrate Judge set forth in his October 29, 2013, Order (filing [62](#)) are adopted.
2. The defendant's Motion to Suppress (filing [53](#)) is denied.

Dated this 20th day of November, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge